

Appl. No.: 09/438,957
Amdt. dated 02/09/2005
Reply to Office action of December 27, 2004

receiving at least one proposed response from at least one of the suppliers, including a proposal for providing the item to the remote user, wherein a proposed price for the items is set by the supplier and independent of any predetermined maximum price; and

providing the proposed response to the remote user based on the remote user identification information, whereby the remote user can determine whether to commit to purchasing the item based at least on the price set by the supplier.

In this regard, the '415 Walker and '024 Shkedy patents require that the consumer accept a maximum offer price before the consumer is entered into the pool. Nowhere do these references teach or suggest that the consumer can be entered into the pool without accepting the maximum offer price. Further, nowhere do the references teach or suggest providing the aggregated consumer requests to supplier independent of a maximum price, setting of price by supplier independent of a maximum price, and committal of the buyer based on price offered by seller. As such, Applicant respectfully submits that Claims 32-34 are patentable.

CONCLUSION

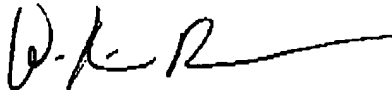
In view of the remarks presented above, it is respectfully submitted that all of the present claims of the application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

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therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office Fax No. (703) 872-9306 on the date shown below.


W. Kevin Ransom

2/9/05
Date

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